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ABSTRACT

This report describes a problem-solving approach to grievance settling and negotiations developed in the Brighton, Michigan, school district and inspired by the book, "Getting To Yes," by Roger Fisher and William Ury. In this approach teachers and administrators come to the table not with fixed positions but with problems both sides want to have solved; hence team members should be trained in problem-solving and positional bargaining. In Brighton, attorneys skilled in conflict management conducted seminars for teachers, administrators, and board members; effective results brought plans for continued training. In the "Getting To Yes" process as practiced in Brighton, rather than making demands, teachers stated desired changes, such as more time for inservice, and both sides brainstormed to reach solutions. Ideas narrowed down to advantages and disadvantages, from which mutual agreements were attained. Understanding develops when teams work together to attack problems, not each other. The process's disadvantages include the time commitment required of board members and solutions that are not always acceptable to those preferring hard-line bargaining. The salient advantage is obtaining answers that do solve problems rather than merely winning bargaining points. Brighton teachers shared costs to bring the attorneys back to conduct a grievance settlement conference. The method taught teachers and administrators to listen to each other's problems and to strive for agreements that accommodate all involved, including students and community. (CJH)

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GETTING TO YES

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As a board member, superintendent, assistant superintendent, are you tired of having teachers tell you during negotiation time that you don't care about them, you don't treat them like professionals, or are you tired of having them say even worse things than that? Are you fed up with going through the grievance procedure, spending hours and hours with teachers and their representatives, and spending thousands of dollars to go through the process many times only to get a settlement that is a compromise and that neither side is completely happy with? You keep hearing about the Japanese theory of positive working relationships with their employees. Why can't we have the same relationship with our staff members? Or is this something only the Japanese can pull off? If you have had some of these thoughts and would like to try a positive approach to negotiations and the settling of grievances then what I am going to talk about today should be of some interest to you. This new process of negotiating contracts and settling problems can best be described as a Getting to Yes procedure. This negotiating or grievance settling process is based on a book written by Roger Fisher and William Ury who are professors at Harvard University - they wrote the book "Getting to Yes"- negotiating agreements without giving in.

Basically this new process uses a problem solving approach to negotiations. It is an approach where teachers and administrators don't come to the bargaining table with fixed positions but come to the table with problems that both sides want to get solved. The goal of this process is not to see who can beat who but to come up with solutions to problems that meet the needs of students, teachers, school board members, administrators and the community. You might say, is that possible? You might say it is impossible, especially if you have just been through a

tough negotiation process with your teaching staff or support staff. But I can tell you that in the Brighton School District we recently negotiated a contract last year, a three year contract with some major improvements for both teachers, school board members, administrators, students and the community and did it in such a way that when we left the table and we went out into the community none of the negotiators said to fellow teachers, to fellow board members, to fellow administrators - none of us said we beat them - we really got them on this or that they are going to be hurting about giving in to this one for a long time. That was not the attitude when we settled our contract.

The attitude last year was gee, we came up with good solutions to problems that were bothering all of us, or we came up with solutions that will be good for everybody - no one went out saying we beat them or we won.

What is this approach I am talking about? Is there really such a thing or such a process - and what is it? The "Getting to Yes" approach to negotiations involves a whole change in strategy for negotiations. To properly make it work, first of all you need to have all the members of both teams trained in this process. The negotiating team of the Brighton School District went to a seminar put on by Roger Fisher and some attorneys from the Conflict Management Institute of Harvard University. Without the training and background in this problem solving approach to negotiations and without this training and learning about positional bargaining and the problems associated with it - I don't think you can be

effective in using this process. I do need to tell you though - and I have brought the materials with me - that you can hire these attorneys to come and put on a seminar for your teachers, administrators, and board members. I can tell you that in my own school district we felt our negotiation process was so successful and the pre-training so successful, and the negotiations process so successful that we just recently hired these attorneys to come to Brighton, Michigan to put on a seminar for about fifteen more teachers and fifteen more administrators so we would have all of our teacher union leadership trained in this process and all of our principals as well, so that we could begin solving grievances the same way we solved the contract. So obviously we believe the system works or we would not be willing to spend a good sum of money to do this process. But I can also tell you, you could use an alternative to this process by trying to hire someone who is an expert in problem solving and then by reading the "Getting to Yes" book, I think it would prepare you for this process.

Basically what the "Getting to Yes" process is, is having people trained and then coming to the negotiating table not taking positions, having teachers saying for example that we have got to have more half days for in-service and that's all there is to it - but in the problem solving approach, teachers would come to the table saying we need more time for in-service - and that's all they would say. We would then put on the blackboard problem - more time for in-service and then both sides, teachers, administrators and board members would brainstorm what are the

ideas that could solve this problem. After we put all the ideas on the blackboard there would be no criticism of how ridiculous an idea might be or how expensive and boy sometimes it was tough not to react, but the agreement was that there would be no criticism during this brainstorming session. Once all the ideas were listed we would narrow it down to the top couple of ideas that seemed the most viable and most workable. Then we would put on the blackboard what the top ideas were and we would list what are the advantages if we would do it and what were the disadvantages for both the teachers and Board - we listed both the advantages and disadvantages so we really would have an understanding for why might it be a problem if we granted more half days - what was good about it for administrators what was bad about it for teachers. So both sides could really, in a positive manner, understand the problems connected - both good and bad - with a solution being recommended.

After all of this was done we would attempt to reach a solution based on what the advantages and disadvantages that had been listed on the various proposals - always looking for a solution that was in the best interest of all involved, not what was just best for teachers but looking at what was best for the kids, teachers, and administrators because all these advantages and disadvantages were listed so that people could see them - you couldn't just forget them or ignore them - and you try to come up with a solution that was really best for everyone involved. I can tell you that by listing problems this way, by brainstorming, and by allowing everyone to talk, we developed a real team

attitude in the negotiation process. We actually worked together on attacking problems, not against each other. More understanding was developed in terms of why teachers felt a certain way or why board members felt a certain way because we were actually listening to each other because of the process that we were involved in. We were not taking positions in negotiations, we were actually trying to problem solve.

In this process I need to tell you we also involved no lawyers, no MEA union reps - and we are a very strong union state - but we had a chief spokesman for each side and I happened to be the chief spokesman for my administrators and board and they had a teacher spokesperson. All my job was to do was to make sure we stayed on task and I served as chairman on a rotating basis with a teacher representative to kind of make sure that there was a shared power kind of thing and not just one side dominating over the other. The toughest part of our whole negotiation process was when we actually got to the money issues. But by the time we got to the money issue there was enough trust built up between both groups that when we talked about what our bottom lines really were, we really gave bottom lines - I think we ended up being 1-1/2% apart at the end and then had to work for a settlement. Because of the relationship we built with the teachers we were able to reach a settlement based on what our financial boundaries were but also with the understanding that there were certain things we wanted to accomplish educationally and the teachers understood that - so they really took much

less than they had hoped for. In fact, I have to say our teachers settled for the least amount of money in our county. I think they did that because they really felt we could do some things educationally and they did not want to take advantage of what we were accomplishing from an educational stand point. Another interesting aspect that we used in this negotiation process was that we met at different locations - including homes, the Chamber of Commerce Building and different school buildings- very seldom meeting at the traditional Board office. The feeling being that by getting away from traditional locations we could have a more informal process that we were trying to create in this negotiation setting. We had a chairperson assigned to make sure that we had pop and snacks to eat at the meetings.

While there were tremendous advantages in my opinion to this new style of negotiations, there are some disadvantages.

1. First of all, from a Superintendent's standpoint it took a great deal of time and I normally would not be involved in negotiations but I think it is a critical key to have the Superintendent involved in this process because agreements are reached right there at the table and I think the Superintendent many times is the only one who could make those decisions.
2. It takes a tremendous time commitment from Board members because Board members must be involved and be at the table for this process to be successful as they must sell other Board members on solutions reached during the process.

3. Some teachers not at the table and even Board members and administrators not at the table are critical when you come back with a negotiated contract many times because they have a feeling that you were soft in negotiations and weren't tough and we didn't win the hard items that we really wanted. The fact that you come back and say that you had a good relationship with the other side and the fact that you really came up with problem solving and solutions to problems turns off some people who like hard line bargaining and believe you have to fight each other to get what you want. I think this even becomes more of a problem as time goes by after the contract is settled. I think teachers can stir it up by saying "Well if we would have had tough negotiators we wouldn't have this problem we have now or we wouldn't have to do this or we would have won this in negotiations". Only time will tell in our own district whether that attitude would prevail or would people really buy in to continue this process.

The advantages of the Getting to Yes process I think have been pointed out but just to review quickly, the biggest advantage as far as I am concerned is you come up with solutions in this negotiation of "Getting to Yes" process that really solve problems and not just win bargaining points. The result of the contract negotiation created a very positive attitude amongst our teachers that has carried over into the following school year - because they really feel they were treated like professionals in terms of their contract.

I guess the highest compliment I could give to this process is that the teachers just spent approximately $3,000.00 of their own money to share in the costs of bringing these lawyers back to put on a grievance settlement conference for teachers and the rest of our administrative staff. Some of those who attended that conference were some of the skeptics from the last negotiation process who were not involved - after the conference they were already talking about how we can have more training next year and how we can involve more people in this new approach to settling problems, grievances and differences amongst each other.

I know this may all sound like a lot of pollyanna, but I can tell you it is currently working in our school district. I can tell you that when our teachers come in to try and settle a grievance or a problem, they don't come in saying we are cheating them and treating them unprofessionally and unfair. They come in, state the problem, tell us why they feel that way and ask us why we feel the way we do and isn't there a way we can resolve this. It sounds pollyanna but it is really common sense. This system has taught those of us involved with the process to listen to each other, to listen to what the other side is saying in terms of what their concerns are, why they feel the way they do and to really try and reach an agreement that solves the problem and not just compromises and really doesn't solve the issue. It sometimes scares me when I watch the teachers come in and try to settle a problem at my level and know that they are practicing all the things they have learned

because they have become very good at it. I have to tell you it has forced me and my administrators to make sure that we are trying to solve problems and not trying to see if I can beat the teachers but that we are really trying to solve a problem that is valid and needs to be resolved for our students and school district. The "Getting to Yes" process is a win-win as far as I am concerned. Everybody benefits from this new approach to negotiations. I have been through hard bargaining, I have been through near strikes as a Superintendent and as a high school principal and I can tell you I can't think of a better process to build strong relations with teachers but most importantly, and I think we are stressing this more now than ever, it's a process both in negotiations and in settling grievances that allows us to treat teachers like professionals that I think they really want to be which results in settlements that are really best for all those involved - not just teachers, not just administrators but for our kids and our communities.

I wish all of you luck if you are entering in to the negotiating process and hope you will consider using this "Getting to Yes" process- I guarantee you that it will bring a new attitude to negotiations for you and your district.